Remarks

Applicants are concurrently filing a Request for Continued Examination. Reconsideration of the application is respectfully requested.

The Examiner rejects the claims under 35 USC 102(e) as being anticipated by Chopra et al., US Patent 6,488,870 or Chopra et al., US Patent 6,492,025. This rejection is respectfully traversed. Both Chopra '870 and Chopra '025 disclose capsules having a complex coacervation induced shell (also referred herein as "complex coacervate shell"). In contrast, applicants' capsules have a micelle shell.

Applicants are attaching the following documents to explain the difference between a complex coacervate shell and a micelle shell: (1) a slide prepared by the co-inventor Naveen Chopra titled "Micelle Shell vs Complex Coacervate Shell"; (2) a micelle discussion from McGraw-Hill Encyclopedia of Science & Technology pp.117-118 (7^{th} Edition); and (3) Kees de Kruif et al., "Complex Coacervation of Proteins and Anionic Polysaccharides," Lecture Notes, pp. 1-77 (October 2004). As seen in the slide, one difference between the two types of shells is that the micelle shell contains ordered molecules whereas the complex coacervate shell contains disordered molecules. Ordered molecules in the micelle shell result from the amphiphiles where the "head" groups are oriented in a particular manner and the "tail" groups are oriented in a different manner. The present specification discusses amphiphiles on for example pages 3, 4, 6, and 7. That the micelle shell contains ordered molecules is indicated by the micelle discussion from the McGraw-Hill Encyclopedia. That the complex coacervate shell contains disordered molecules is indicated by Figure 3, page 9, of the Kees de Kruif et al. document which depicts complexes of gum Arabic (white ribbon) and β-lactoglobulin (dark spheres) that have no discernable organization, that is, such complexes are disordered molecules. The disordered nature of the molecules is present in a complex coacervate shell.

Thus, the rejection under 35 USC 102(e) should be withdrawn since the complex coacervate shells of Chopra '870 and Chopra '025 are clearly different from the presently claimed micelle shell.

Applicants disagree with the Examiner's position that the dependent claims are unpatentable in view of the references relied upon by the Examiner, but need not at this time specifically address the Examiner's comments regarding these dependent claims since independent claim 1 is patentable over these references and thus the dependent claims are also patentable over these references.

In view of the foregoing, the present application is in condition for allowance. In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-4292, Rochester, NY.

Respectfully submitted,

Zosan S. Soong
Attorney for Applicant(s)
Registration No. 33,333
Telephone (585) 423-4292

10-6-05

ZSS/fsl
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644